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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,045	05/01/2001	Philip Ted Kortum	8285/431	5221

757 7590 01/30/2006

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EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/847,045	Applicant(s) KORTUM, PHILIP TED	
	Examiner Igor Borissov	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/08/2005 has been entered.

Response to Amendment

Amendment received on 11/08/2005 is acknowledged and entered. Claims 2, 9 and 17 have previously been canceled. Claims 1, 8 and 16 have been amended. Claims 1, 3-8, 10-16 and 18-21 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-7, 8, 12-15, 16 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "SBC global network DSL: Customer Self Install" (Document) in view of Klees (US 5,283,661).

The Document, which appears to be published on August, 2000, teaches a system for customer self installation DSL kit, comprising:

Independent Claims

As per **claim 1**,

a digital subscriber line modem (page 4; last §);

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at least one digital subscriber line filter (page 1; 3rd §);
a computer-readable medium containing a computer-readable software code (page 9; 2nd §).

Furthermore, Document teaches that a consumer orders said kit for his/her computer Operating System (OS), thereby indicating that the arriving kit already requires no selection of OS (page 5; 3rd §; a Table).

However, Document does not specifically teach that said instruction manual (Owner's Guide) is included in the kit.

Klees teaches an apparatus for assisting in the installation of a facsimile machine, wherein the indication is provided that currently, most facsimile equipment come with a manual that has instructions for installation and setup of the machine (C. 1, L. 14-15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Document to include that said instruction manual is included in the kit, as disclosed in Klees, said manual providing instructions to install all elements of the kit, because it would advantageously allow to provide the customer with necessary diagram and descriptions of the successive installation steps, thereby simplify the installation process for the customer.

As per **claim 8**, Document teaches said system, comprising:
a network card (page 4; last §);
a digital subscriber line modem (page 4; last §);
at least one digital subscriber line filter (page 1; 3rd §);
a computer-readable medium containing a computer-readable connection software code (page 9; 2nd §).

Furthermore, Document teaches that said kit is available for following OS: DOS, Windows and Macintosh, thereby indicating that a subscriber is required to indicate/select his/her computer OS (page 5; 3rd §; a Table).

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However, Document does not specifically teach that said instruction manual (Owner's Guide) is included in the kit.

Klees teaches an apparatus for assisting in the installation of a facsimile machine, wherein the indication is provided that currently, most facsimile equipment come with a manual that has instructions for installation and setup of the machine (C. 1, L. 14-15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Document to include that said instruction manual is included in the kit, as disclosed in Klees, said manual providing instructions to install all elements of the kit, because it would advantageously allow to provide the customer with necessary diagram and descriptions of the successive installation steps, thereby simplify the installation process for the customer.

As per **claim 16**, Document teaches said system, comprising:
a network card (page 4; last §);
a digital subscriber line modem (page 4; last §);
at least one digital subscriber line filter (page 1; 3rd §);
a computer-readable medium containing a computer-readable connection software code (page 9; 2nd §).

Furthermore, Document teaches a consumer computer manufacturer's Owner's Guide and computer's Operating System on installation media (CD or diskettes) (page 9; 2nd §); and instruction regarding internet service provider software (page 3, 2nd and 3rd §§).

Furthermore, Document teaches that said kit is available for following OS: DOS, Windows and Macintosh, thereby indicating that a subscriber is required to indicate/select his/her computer OS (page 5; 3rd §; a Table).

However, Document does not specifically teach that said instruction manual (Owner's Guide) is included in the kit.

Klees teaches an apparatus for assisting in the installation of a facsimile machine, wherein the indication is provided that currently, most facsimile equipment

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come with a manual that has instructions for installation and setup of the machine (C. 1, L. 14-15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Document to include that said instruction manual is included in the kit, as disclosed in Klees, said manual providing instructions to install all elements of the kit, because it would advantageously allow to provide the customer with necessary diagram and descriptions of the successive installation steps, thereby simplify the installation process for the customer.

Dependent Claims

As per **claims 5 and 13**, said kit, wherein the instruction manual provides a point of contact telephone number associated with said kid; said kid including the digital subscriber line modem (page 3, 6th §; page 5, 6th §; page 4; last §).

As per **claims 6 and 14**, said kit, wherein the instruction manual provides a point of contact telephone number associated with said kid; said kid including the digital line filter (page 3, 6th §; page 5, 6th §; page 1, 3rd §).

As per **claims 7, 15 and 20**, said kit, wherein the instruction manual provides a point of contact telephone number associated with said kid; said kid including the description of computer-readable connection software code (page 9; 2nd §).

As per **claims 21**, said kit including an instruction manual (See reasoning applied to **claim 1**).

Claims 3-4, 10-11 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Document in view of Klees and further in view of Official Notice.

Dependent Claims

As per **claims 3-4, 10-11 and 18-19**, Document in view of Klees teach all the limitations of **claims 3-4, 10-11 and 18-19**, except a container, which contains said kit and manual.

Official notice is taken that it is well known to provide goods ordered by customers in shipping containers.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Document to include that said contents of the kit are sent to the customer in a container, because it would advantageously protect the contents of the kit from being damaged or lost during shipment.

Response to Arguments.

Applicant's arguments with respect to Claims 1, 3-8, 10-16 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

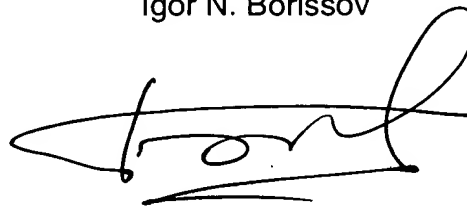
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner
Art Unit 3639

Igor N. Borissov

A handwritten signature in dark ink, appearing to read 'Igor N. Borissov', with a stylized, flowing script.

IB
1/20/2005